



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,402	06/14/2001	Tetsuya Kagawa	2271/65101	8499
<div>7590 07/16/2009</div> <div>Ivan S. Kavrukov Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036</div>				
EXAMINER				
MENBERU, BENIYAM				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
07/16/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/881,402

Applicant(s)

KAGAWA, TETSUYA

Examiner

BENIYAM MENBERU

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 9, 13, 14, 17, 19-21, 30, 31, 35, 36, 39, 41-43, 52, 53, 57, 58, 61, 63-65 and 82-109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 8,9,13,14,17,19-21,30,31,35,36,39,41-43,52,53,57,58,61,63-65 and 82-109.

Response to Arguments

1. Applicant's arguments with respect to claims 8, 9, 13, 14, 17, 21, 30, 31, 35, 36, 39, 43, 52, 53, 57, 58, 61, 65, 82, 84-87, 89-90, 92-95, 97, 98, 100-103 and 105 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 82, 84, 90, 92, 98, 100, and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of U.S. Patent No. 6940615 to Shima.

Regarding claim 82, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:
a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from

sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of said communications capability of said transfer communications machine registered in said registering mechanism (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability corresponding to the PC 10 (transfer machine).); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process

occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer said image information received from said sending communications machine to said transfer communications machine using said address stored in said registering mechanism (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;),

wherein said controlling mechanism is configured to obtain a latest communications capability through said communications mechanism when transferring said image information, and update said registration mechanism with said latest communications capability (column 6, lines 41-52; column 7, lines 8-36; when the fax machine 12 requests for the status of PC 10, it can receive an updated/latest capability information from the PC 10 if the capability of PC 10 changes. This request can occur during image transferring mode (column 8, lines 23-37).).

However Fite, Jr. et al '489 does not disclose wherein if both of said communications terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said

image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 **is not going to transfer** this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data **is not transferred** to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

Regarding claim 84, see the rejection of corresponding claim 82. Further Fite, Jr. et al '489 discloses obtaining latest capability at intervals of a predetermined time period (column 6, lines 41-52; column 7, lines 8-36; when the fax machine 12 requests for the status of PC 10, it can receive an updated/latest capability information from the PC 10 if the capability of PC 10 changes. Further the obtaining of capability/availability is periodic (column 6, lines 32-36, 41-52)).

Regarding claim 90, see rejection of claim 82 as shown above.

Regarding claim 92, see the rejection of corresponding claim 82. Further Fite, Jr. et al '489 discloses obtaining latest capability at intervals of a predetermined time period (column 6, lines 41-52; column 7, lines 8-36; when the fax machine 12 requests for the status of PC 10, it can receive an updated/latest capability information from the PC 10 if the capability of PC 10 changes. Further the obtaining of capability/availability is periodic (column 6, lines 32-36, 41-52)).

Regarding claim 98, see the rejection of corresponding claims 82. Further Fite, Jr. et al '489 discloses notifying a sending communications machine of said communications capability of said transfer communication machine at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on",

the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".)).

Regarding claim 100, see the rejection of corresponding claim 84. Further Fite, Jr. et al '489 discloses notifying a sending communications machine of said communications capability of said transfer communication machine at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".)).

Regarding claim 109, Fite, Jr. et al '489 teaches all the limitations of claim 82. Further Fite, Jr. et al '489 discloses the communications terminal apparatus as defined in claim 82, wherein said notifying mechanism notifies said sending communications machine of said communications capability, only when it is determined that communications of image information between said sending communications machine

and said communications terminal apparatus has begun (column 8, lines 22-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability corresponding to the PC 10; The notification process occurs after "stage one" where communication between the sending machine (fax 32) and the communications terminal apparatus (fax 12) has began.).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 30, 31, 52, 53, and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of in view of U.S. Patent No. 5552901 to Kikuchi et al further in view of U.S. Patent No. 6940615 to Shima.

Regarding claims 8, 30, and 52, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:
a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer

communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of an enhancement communications capability of said apparatus in accordance with said communications capability of said transfer communications machine (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability.); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said enhancement communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications

terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer image information received from said sending communications machine to said transfer communications machine using said address (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;),

wherein the controlling mechanism determines whether the communication terminal apparatus has a communications capability to accept said image information received from said sending communications machine, and does not transfer said image information to the transfer communications machine if the communication terminal apparatus has the communications capability to accept said image information (column 8, lines 27-53, 62-67; The fax machine 12 determines whether it has "standalone" capabilities or the "enhanced capabilities" by examining the memory 72; When the fax machine 12 has the "standalone" capability, it does not transfer data to the PC 10 (transfer machine).),

wherein said controlling mechanism is configured to obtain a latest communications capability through said communications mechanism when transferring said image information and to update said registration mechanism with said latest communications capability (column 6, lines 41-52; column 7, lines 8-36; when the fax machine 12 requests for the status of PC 10, it can receive an updated/latest capability information from the PC 10 if the capability of PC 10 changes. This request can occur during image transferring mode (column 8, lines 23-37).). However Fite, Jr. et al '489 does not disclose wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters; and wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine.

Kikuchi et al '901 discloses wherein the image is transferred using said set of image parameters stored in said memory , a memory storing a set of image parameters ; and wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine (Figure 1, reference 1 fax server acts as a relay fax between client communication device 3(sending) and Remote Fax 9 (transfer device).; column 8, lines 30-54; Management section 10 stores the data format (image parameter) received from client device 3 in memory 27e. Further the parameter (27e)

and address (27b) are used in transmitting to the remote fax 9 (column 10, lines 20-44)).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Kikuchi et al '901*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Kikuchi et al '901*, since *Kikuchi et al '901* stated in col. 10, Lines 32-39, such a modification would provide data communication for text and image formatted data.

However Fite, Jr. et al '489 does not disclose wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications/receiving terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59;

The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

Regarding claims 9, 31, and 53, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:
a communications mechanism configured to perform communications with a plurality of

communications machines including a sending communications machine and a transfer communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of an enhancement communications capability of said apparatus in accordance with said communications capability of said transfer communications machine (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability.); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said enhancement communications capability at a

beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer image information received from said sending communications machine to said transfer communications machine using said address (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;), and

wherein said controlling mechanism is configured to obtain a latest communications capability through said communications mechanism at intervals of a predetermined time period and to update said registration mechanism with said latest communications capability (column 6, lines 41-52; column 7, lines 8-36; when the fax machine 12 requests for the status of PC 10, it can receive an updated/latest capability information from the PC 10 if the capability of PC 10 changes. Further the obtaining of capability/availability is periodic (column 6, lines 32-36, 41-52)). However Fite, Jr. et al

'489 does not disclose wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters, and wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine.

Kikuchi et al '901 discloses wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters, and wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine (Figure 1, reference 1 fax server acts as a relay fax between client communication device 3(sending) and Remote Fax 9 (transfer device).; column 8, lines 30-54; Management section 10 stores the data format (image parameter) received from client device 3 in memory 27e. Further the parameter (27e) and address (27b) are used in transmitting to the remote fax 9 (column 10, lines 20-44)).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Kikuchi et al '901*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Kikuchi et al '901*, since *Kikuchi et al '901* stated in col. 10, Lines 32-39,

such a modification would provide data communication for text and image formatted data.

However Fite, Jr. et al '489 does not disclose wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications/receiving terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as

shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

Regarding claim 107, Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615 teaches all the limitations of claim 8. Further Fite, Jr. et al '489 discloses wherein said controlling mechanism determines whether the communications terminal apparatus has the communications capability to accept said image information, and transfers said image information to said transfer communications machine when the communications terminal apparatus does not have the communications capability to accept said image information (column 8, lines 27-53, 62-67; column 9, lines 1-3 The fax machine 12 determines whether it has "standalone capabilities" ("the communications capability") or the "enhanced capabilities" by examining the memory 72; When the fax machine 12 does not have the "standalone capability" ("the communications capability")

but instead the "enhanced capability", it transfer data to the PC 10 (transfer machine) where it can be stored.).

5. Claims 13, 14, 35, 36, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of in view of U.S. Patent No. 5552901 to Kikuchi et al further in view of U.S. Patent No. 6816911 to Toyoda et al further in view of U.S. Patent No. 6940615 to Shima.

Regarding claims 13, 35, and 57, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines

1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of an enhancement communications capability of said apparatus in accordance with said communications capability of said transfer communications machine (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability.); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said enhancement communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer image information received from said sending communications machine to said transfer communications machine using said address (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which

received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;). However Fite, Jr. et al '489 does not disclose wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters; wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine.

Kikuchi et al '901 discloses wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters; wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine (Figure 1, reference 1 fax server acts as a relay fax between client communication device 3(sending) and Remote Fax 9 (transfer device).; column 8, lines 30-54; Management section 10 stores the data format (image parameter) received from client device 3 in memory 27e. Further the parameter (27e) and address (27b) are used in transmitting to the remote fax 9 (column 10, lines 20-44)).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Kikuchi et al '901*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Kikuchi et al '901*, since *Kikuchi et al '901* stated in col. 10, Lines 32-39,

such a modification would provide data communication for text and image formatted data.

However Fite, Jr. et al '489 does not disclose wherein said controlling mechanism is configured to perform a retry call to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy.

Toyoda et al '911 discloses wherein said controlling mechanism is configured to perform a retry call to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy (column 5, lines 50-67).

Having the system of **Fite, Jr. et al '489** and then given the well-established teaching of **Toyoda et al '911**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Fite, Jr. et al '489** as taught by **Toyoda et al '911**, since **Toyoda et al '911** stated in col. 1, Lines 57-67, such a modification would provide an improved retrying method for facsimile communication.

However Fite, Jr. et al '489 does not disclose wherein if both of said communications terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al* '489 and then given the well-established teaching of *Shima* '615, it would have been obvious to one of ordinary skill in the art at

the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

Regarding claims 14, 36, and 58, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of an enhancement communications

capability of said apparatus in accordance with said communications capability of said transfer communications machine (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability.); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said enhancement communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer image information received from said sending communications machine to said transfer communications machine using said address (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;). However Fite, Jr. et al '489 does not disclose

wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters; wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine.

Kikuchi et al '901 discloses wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters; wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine (Figure 1, reference 1 fax server acts as a relay fax between client communication device 3(sending) and Remote Fax 9 (transfer device).; column 8, lines 30-54; Management section 10 stores the data format (image parameter) received from client device 3 in memory 27e. Further the parameter (27e) and address (27b) are used in transmitting to the remote fax 9 (column 10, lines 20-44)).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Kikuchi et al '901*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Kikuchi et al '901*, since *Kikuchi et al '901* stated in col. 10, Lines 32-39, such a modification would provide data communication for text and image formatted data.

However Fite, Jr. et al '489 does not disclose wherein said controlling mechanism is configured to perform a retry call at intervals of a predetermined time period to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy.

Toyoda et al '911 discloses wherein said controlling mechanism is configured to perform a retry call at intervals of a predetermined time period to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy (column 5, lines 50-67; column 1, lines 32-38).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Toyoda et al '911*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Toyoda et al '911*, since *Toyoda et al '911* stated in col. 1, Lines 57-67, such a modification would provide an improved retrying method for facsimile communication.

However Fite, Jr. et al '489 does not disclose wherein if both of said communications terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine,

the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

6. Claims 17, 20, 39, 42, 61, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of U.S. Patent No. 5552901 to Kikuchi et al further in view of U.S. Patent No. 6493103 to Toyoda et al further in view of U.S. Patent No. 6940615 to Shima.

Regarding claims 17, 39, and 61, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of an enhancement communications capability of said apparatus in accordance with said communications capability of said transfer communications machine (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability.); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said enhancement communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer image information received from said sending communications machine to said transfer communications machine using said address (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is

registered and used to call the PC;). However Fite, Jr. et al '489 does not disclose wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters, and wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine.

Kikuchi et al '901 discloses wherein the image is transferred using said set of image parameters stored in said memory, a memory storing a set of image parameters, and wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine (Figure 1, reference 1 fax server acts as a relay fax between client communication device 3(sending) and Remote Fax 9 (transfer device).; column 8, lines 30-54; Management section 10 stores the data format (image parameter) received from client device 3 in memory 27e. Further the parameter (27e) and address (27b) are used in transmitting to the remote fax 9 (column 10, lines 20-44))).

Having the system of **Fite, Jr. et al '489** and then given the well-established teaching of **Kikuchi et al '901**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Fite, Jr. et al '489** as taught by **Kikuchi et al '901**, since **Kikuchi et al '901** stated in col. 10, Lines 32-39,

such a modification would provide data communication for text and image formatted data.

However Fite, Jr. et al '489 does not disclose wherein said controlling mechanism is configured to transfer said image information through E-mail to said transfer communications machine.

Toyoda et al '103 discloses wherein said controlling mechanism is configured to transfer said image information through E-mail to said transfer communications machine (column 22, lines 5-10, lines 31-33, lines 48-61).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Toyoda et al '103*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Toyoda et al '103*, since *Toyoda et al '103* stated in col. 22, Lines 58-61, such a modification would provide the option of using e-mail for transferring data which is useful since image data can be compressed in e-mail format.

However Fite, Jr. et al '489 does not disclose wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications

capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications/receiving terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught

by **Shima '615**, since **Shima '615** stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

Regarding claims 20, 42, and 64, Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Toyoda et al '103 further in view of Shima '615 teach all the limitations of claims 17, 39, and 61 respectively. Toyoda et al '103 further disclose an apparatus and method, wherein said controlling mechanism is configured to add a literal identification of said image information to said E-mail (Toyoda et al: column 22, lines 53-58).

7. Claims 19, 41, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of in view of U.S. Patent No. 5552901 to Kikuchi et al further in view of U.S. Patent No. 6940615 to Shima further in view of U.S. Patent No. 5818609 to Yamamuro.

Regarding claims 19, 41, and 63, Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615 teach all the limitations of claims 8, 30, and 52 respectively. However Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615 does not disclose an apparatus and method wherein said controlling mechanism is configured to determine whether said latest communications capability is sufficient to receive said image information and stops receiving said image information from said sending communications machine when said latest communications capability is determined as not sufficient to receive said image information.

Yamamuro '609 discloses an apparatus and method wherein said controlling mechanism is configured to determine whether said latest communications capability is sufficient to receive said image information (Yamamuro: column 4, lines 20-24) and stops receiving said image information from said sending communications machine when said latest communications capability is determined as not sufficient to receive said image information (Yamamuro: column 4, lines 28-37).

Having the system of *Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615* and then given the well-established teaching of *Yamamuro '609*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615* as taught by *Yamamuro '609*, since *Yamamuro '609* stated in col. 1, Lines 23-43, such a modification would provide an efficient method for transferring image data (column 1, lines 23-43).

8. Claims 21, 43, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of U.S. Patent No. 5552901 to Kikuchi et al further in view of U.S. Patent No. 6333789 to Shima further in view of U.S. Patent No. 6940615 to Shima.

Regarding claims 21, 43, and 65, Fite, Jr. et al '489 discloses communications terminal apparatus comprising:
a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer

communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of an enhancement communications capability of said apparatus in accordance with said communications capability of said transfer communications machine (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability.); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said enhancement communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC

10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer image information received from said sending communications machine to said transfer communications machine using said address (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;). However Fite, Jr. et al '489 does not disclose wherein the image is transferred using said set of image parameters stored in said memory; a memory storing a set of image parameters; wherein said set of image parameters stored in said memory and used along with said address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine.

Kikuchi et al '901 discloses wherein the image is transferred using said set of image parameters stored in said memory; a memory storing a set of image parameters; wherein said set of image parameters stored in said memory and used along with said

address to transfer said image information received from said sending communications machine to said transfer communications machine was received from said sending communications machine (Figure 1, reference 1 fax server acts as a relay fax between client communication device 3(sending) and Remote Fax 9 (transfer device).; column 8, lines 30-54; Management section 10 stores the data format (image parameter) received from client device 3 in memory 27e. Further the parameter (27e) and address (27b) are used in transmitting to the remote fax 9 (column 10, lines 20-44))).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Kikuchi et al '901*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Kikuchi et al '901*, since *Kikuchi et al '901* stated in col. 10, Lines 32-39, such a modification would provide data communication for text and image formatted data.

However Fite, Jr. et al '489 does not disclose wherein said controlling mechanism is configured to transfer said image information with a predetermined identification code causing said transfer communications machine to reproduce an output of said image information into a predetermined recording sheet tray corresponding to said predetermined identification code.

Shima '789 discloses wherein said controlling mechanism is configured to transfer said image information with a predetermined identification code causing said transfer communications machine to reproduce an output of said image

information into a predetermined recording sheet tray corresponding to said predetermined identification code (column 10, lines 18-29, 52-57; The print data (image information) contains code which determines which output tray the print output will go.).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '789*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '789*, since *Shima '789* stated in col. 10, Lines 29-36, such a modification would provide for priority in the output of print data by using specific tray (column 10, lines 29-36).

However Fite, Jr. et al '489 does not disclose wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications/receiving terminal apparatus) and a printer 101 (transfer

communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

9. Claims 83, 91, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of U.S. Patent No. 6940615 to Shima further in view of U.S. Patent No. 5818609 to Yamamuro.

Regarding claim 83, Fite, Jr. et al '489 in view of Shima '615 teaches all the limitations of claims 82, 90, and 98 respectively. However Fite, Jr. et al '489 in view of Shima '615 does not disclose an apparatus and method wherein said controlling mechanism is configured to determine whether said latest communications capability is sufficient to receive said image information and stops receiving said image information from said sending communications machine when said latest communications capability is determined as not sufficient to receive said image information.

Yamamuro discloses an apparatus and method wherein said controlling mechanism is configured to determine whether said latest communications capability is sufficient to receive said image information (Yamamuro: column 4, lines 20-24; Figure 1, reference 13 "host" reads on sending machine; The checking of the availability of network 14, memory 8 and the bus read on sufficient capability for communication.) and stops receiving said image information from said sending communications machine when said latest communications capability is determined as not sufficient to receive said image information (Yamamuro: column 4, lines 28-37; When "not ready" (ie. Not sufficient). The busy signal means that the image is not going to be received (ie. Stop receiving)).

Having the system of ***Fite, Jr. et al '489 in view of Shima '615*** and then given the well-established teaching of ***Yamamuro '609***, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of ***Fite, Jr. et al '489 in view of Shima '615*** as taught by ***Yamamuro '609***, since

Yamamuro '609 stated in col. 1, Lines 23-43, such a modification would provide an efficient method for transferring image data.

Regarding claim 91, see rejection of claim 83 as shown above.

Regarding claim 99, see rejection of claim 83 as shown above.

10. Claims 85, 86, 93, 94, 101, and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of U.S. Patent No. 6816911 to Toyoda et al further in view of U.S. Patent No. 6940615 to Shima.

Regarding claim 85, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines

1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of said communications capability of said transfer communications machine registered in said registering mechanism (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability corresponding to the PC 10 (transfer machine).); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer said image information received from said sending communications machine to said transfer communications machine using said address stored in said registering mechanism (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data

transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;). However Fite, Jr. et al '489 does not disclose wherein said controlling mechanism is configured to perform a retry call to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy.

Toyoda et al '911 discloses wherein said controlling mechanism is configured to perform a retry call to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy (column 5, lines 50-67).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Toyoda et al '911*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Toyoda et al '911*, since *Toyoda et al '911* stated in col. 1, Lines 57-67, such a modification would provide an improved retrying method for facsimile communication.

However Fite, Jr. et al '489 does not disclose wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications/receiving terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

Regarding claim 86, see rejection of claims 85 and 93 as shown above. Further Toyoda et al '911 discloses wherein said controlling mechanism is configured to perform a retry call at intervals of a predetermined time period to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy (column 5, lines 50-67; column 1, lines 32-38).

Regarding claim 93, see rejection of claim 85 as shown above.

Regarding claim 94, see rejection of claim 86 as shown above.

Regarding claim 101, see rejection of claims 85 as shown above.

Regarding claim 102, see rejection of claim 86 as shown above.

Further with respect to claims 85, 86, 93, 94, 101, and 102, *Fite, Jr. et al '489* discloses wherein a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced

capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".)).

11. Claims 87, 88, 95, 96, 103, and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of U.S. Patent No. 6493103 to Toyoda et al further in view of U.S. Patent No. 6940615 to Shima.

Regarding claim 87, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines

1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of said communications capability of said transfer communications machine registered in said registering mechanism (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability corresponding to the PC 10 (transfer machine).); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer said image information received from said sending communications machine to said transfer communications machine using said address stored in said registering mechanism (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67;

column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;). However Fite, Jr. et al '489 does not disclose wherein said controlling mechanism is configured to transfer said image information through E-mail to said transfer communications machine.

Toyoda et al '103 discloses wherein said controlling mechanism is configured to transfer said image information through E-mail to said transfer communications machine (column 22, lines 5-10, lines 31-33, lines 48-61).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Toyoda et al '103*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Toyoda et al '103*, since *Toyoda et al '103* stated in col. 22, Lines 58-61, such a modification would provide the option of using e-mail for transferring data which is useful since image data can be compressed in e-mail format.

However Fite, Jr. et al '489 does not disclose wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications/receiving terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

Regarding claim 95, see rejection of claim 87 as shown above.

Regarding claim 103, see rejection of claim 87 as shown above. Further *Fite, Jr. et al '489* discloses notifying a sending communications machine of said communications capability of said transfer communication machine at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".)).

Regarding claim 88, *Fite, Jr. et al '489* in view of *Toyoda et al '103* further in view of *Shima '615* teach all the limitations of claims 87, 95, and 103 respectively. *Toyoda et al '103* further disclose an apparatus and method, wherein said controlling mechanism is configured to add a literal identification of said image information to said E-mail

(Toyoda et al'103: column 22, lines 53-58; The user's name, facsimile number read on literal identification.).

Regarding claim 96, see rejection of claim 88 as shown above.

Regarding claim 104, see rejection of claim 88 as shown above.

12. Claims 89, 97, and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of U.S. Patent No. 6333789 to Shima further in view of U.S. Patent No. 6940615 to Shima.

Regarding claim 89, Fite, Jr. et al '489 discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (Figure 2, fax machine 12 is the communications terminal apparatus; machine 32 is sending machine; PC 10 is the transfer communications machine; column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data transferred from fax machine 12 which received the data from the sending machine 32;);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 8, lines 22-38; when fax machine 12 can communicate with PC 10, it receives the capability of PC 10 (transfer machine) and stores/registers the capability information in memory 72. column 6, lines

1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;);

a notifying mechanism configured to notify of said communications capability of said transfer communications machine registered in said registering mechanism (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability corresponding to the PC 10 (transfer machine).); and

a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".) and to instruct said communications mechanism to transfer said image information received from said sending communications machine to said transfer communications machine using said address stored in said registering mechanism (column 5, lines 60-67; The fax machine 12 can receive data over line 30 from sending machine 32; column 8, lines 62-67; column 9, lines 1-3; The PC 10 is transfer machine because it gets and stores data

transferred from fax machine 12 which received the data from the sending machine 32; column 6, lines 1-22; column 7, lines 7-14; The fax machine 12 calls the PC 10 and it is inherent that an address of the PC is registered and used to call the PC;). However Fite, Jr. et al '489 does not disclose wherein said controlling mechanism is configured to transfer said image information with a predetermined identification code causing said transfer communications machine to reproduce an output of said image information into a predetermined recording sheet tray corresponding to said predetermined identification code.

Shima '789 discloses wherein said controlling mechanism is configured to transfer said image information with a predetermined identification code causing said transfer communications machine to reproduce an output of said image information into a predetermined recording sheet tray corresponding to said predetermined identification code (column 10, lines 18-29, 52-57; The print data (image information) contains code which determines which output tray the print output will go.).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '789*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '789*, since *Shima '789* stated in col. 10, Lines 29-36, such a modification would provide for priority in the output of print data by using specific tray (column 10, lines 29-36).

However Fite, Jr. et al '489 does not disclose wherein if both of said communications/receiving terminal apparatus and said transfer communications

machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine.

Shima '615 discloses wherein if both of said communications/receiving terminal apparatus and said transfer communications machine have the communications capability to accept said image information received from said sending communications machine, the controlling mechanism does not transfer said image information received from said sending communications machine to said transfer communications machine (Figure 22 shows a host computer 103 (sending machine) which sends image data for printing to printer 81 (communications terminal apparatus) and a printer 101 (transfer communications machine); Column 31, lines 42-51; column 32, lines 47-59; The printer 81 (communications/receiving terminal apparatus) can have capability to accept image data of the JPEG format (column 31, lines 54-67; column 32, lines 1-37) by using the rendering unit 123B. Further as shown in Figure 25, printer 101 (transfer communications machine) can accept image data of the JPEG format also. Further in Figure 24, when the printer 81 (communications terminal apparatus) receives image data which is of JPEG format for example in steps 2301-2304, printer 81 is not going to transfer this image data as shown in step 2304 ("YES") since it can process this type of data, and further in steps 2304; column 32, lines 50-67; column 33, lines 1-45; In step 2305 the printer 81 process this image data without transferring. Thus in this example where the image data is JPEG format which both the printer 81 (communications

terminal apparatus) and printer 101 (transfer communications machine) have capability to accept the data, the image data is not transferred to the printer 101 (transfer communications machine).).

Having the system of *Fite, Jr. et al '489* and then given the well-established teaching of *Shima '615*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489* as taught by *Shima '615*, since *Shima '615* stated in col. 33, Lines 5-26, such a modification would provide efficient use of different capabilities of different communication devices.

Regarding claim 97, see rejection of claim 89 as shown above.

Regarding claim 105, see rejection of claim 89 as shown above. Further *Fite, Jr. et al '489* discloses notifying a sending communications machine of said communications capability of said transfer communication machine at a beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image".)).

Further with respect to claims 89, 97, and 105, *Fite, Jr. et al '489* discloses wherein a controlling mechanism configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a

beginning of communications of image information (column 8, lines 31-62; When the PC 10 is "on", the capabilities of the PC 10 is stored in fax machine 12 (communications terminal apparatus) as enhanced capability in memory 72. The NSF data is used to notify other machine like the sending machine 32 of the enhanced capability. The notifying process occurs in the "second stage" right after the communication begins in first stage wherein the sending machine 32 initiates data transmission to fax machine 12. Therefore this reads on at a "beginning of communications of image").).

13. Claim 106 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of in view of U.S. Patent No. 5552901 to Kikuchi et al further in view of U.S. Patent No. 6940615 to Shima further in view of U.S. Patent No. 6801341 to Joffe et al.

Regarding claim 106, Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615 teaches all the limitations of claim 8. Further Kikuchi et al '901 discloses said image parameters stored in said memory (column 8, lines 30-54; Management section 10 stores the data format (image parameter) received from client device 3 in memory 27e. Further the parameter (27e) and address (27b) are used in transmitting to the remote fax 9 (column 10, lines 20-44)).). However Kikuchi et al '901 does not disclose wherein said communications terminal apparatus converts image parameters according to a type of said transfer communications machine to which image information is transferred and transfers the image information using the converted image parameter.

Joffe et al '341 discloses wherein said communications terminal apparatus converts image parameters according to a type of said transfer communications machine to which image information is transferred and transfers the image information using the converted image parameter (column 10, lines 25-35; protocol conversion used for transmission).

Having the system of *Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615* and then given the well-established teaching of *Joffe et al '341*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615* as taught by *Joffe et al '341*, since *Joffe et al '341* stated in col. 9, Lines 14-22, such a modification would provide efficiency and improve speed of data communication for different protocol system.

14. Claim 108 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666489 to Fite, Jr. et al in view of in view of U.S. Patent No. 5552901 to Kikuchi et al further in view of U.S. Patent No. 6940615 to Shima further in view of U.S. Patent No. 6816911 to Toyoda et al.

Regarding claim 108, Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615 teaches all the limitations of claim 107. However Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615 does not disclose the communications terminal apparatus as defined in claim 107, wherein if said communications capability of said transfer communications machine is insufficient for

receiving the image information, said controlling mechanism is configured to enter a waiting mode and to initiate communications to said transfer communications machine at intervals of a predetermined time period until said controlling mechanism obtains from said transfer communications machine a latest communications capability that is determined as sufficient for the transfer of said image information to said transfer communications machine.

Toyoda et al '911 disclose wherein if said communications capability of said transfer communications machine is insufficient for receiving the image information, said controlling mechanism is configured to enter a waiting mode and to initiate communications to said transfer communications machine at intervals of a predetermined time period (column 1, lines 32-37) until said controlling mechanism obtains from said transfer communications machine a latest communications capability that is determined as sufficient for the transfer of said image information to said transfer communications machine (column 5, lines 50-67; column 6, lines 1-15; When destination is busy (insufficient capability), the retry is repeated until success in retry as shown in Figure 5, steps st416 ("Yes") which is sufficient capability.).

Having the system of *Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615* and then given the well-established teaching of *Toyoda et al '911*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Fite, Jr. et al '489 in view of Kikuchi et al '901 further in view of Shima '615* as taught by *Toyoda et al '911*, since *Toyoda et al '911*

stated in col. 1, Lines 57-67, such a modification would provide an improved retrying method for facsimile communication.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENIYAM MENBERU whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

/Beniyam Menberu/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625

07/14/2009